

Serial No.: 09/757,361
Examiner: Christine Y. Ng

REMARKS/ARGUMENTS

Claims 1, 4, 18-26, 33 and 36 are currently pending in this application, with claims 1, 18 and 33 being independent claims.

In the Office Action, independent claims 1, 18, and 33 were rejected under 35 USC 103(a) as being unpatentable over *Walia et al.* (US Patent 6,636,480) in view of *Lin* (US Patent 6,542,508). Applicants respectfully traverse this rejection. As the Examiner points out in paragraph 7 of the present office action, it is only in “some” cases that a data packet will pass through both the first and second policing rules. This clearly indicates that a modification of *Walia* is needed to be properly combined with *Lin* to disclose what the Examiner is setting forth. So if one were to modify *Walia* to disclose that for each data packet, a “first policing result” and a “second policing result” is obtained, and, as claimed, only one “disposition decision for the packet” is made on each data packet, the intended function of *Walia* would be destroyed as there would *never* be packets dropped after the application of the first policing rule. As this modification clearly destroys the purpose or function of *Walia*, one of ordinary skill in the art would not have found a reason to make this necessary modification. Therefore, Applicants respectfully request that this rejection be withdrawn.

Regarding dependent claim 4, as this claim depends from independent claim 1, and therefore incorporates all of the limitations of claim 1, for the reasons set forth above, Applicants respectfully assert that this claim is also patentable over the cited references.

Regarding dependent claim 36, as this claim depends from independent claim 33, and therefore incorporates all of the limitations of claim 33, for the reasons set forth above, Applicants respectfully assert that this claim is also patentable over the cited references.


Regarding dependent claims 19-26, as these claims depend either directly or indirectly from independent claim 18, and therefore incorporates all of the limitations of claim 18, for the reasons set forth above, Applicants respectfully assert that these claims are also patentable over the cited references.

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It is believed that the foregoing amendment places the Application in condition for allowance; therefore, Applicants respectfully request withdrawal of the Examiner's rejection of the claims, and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,

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